



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,622	12/29/2003	Thanasis Molokotos	SAR100062000	7511
22891	7590	06/26/2006	EXAMINER	
DELIO & PETERSON 121 WHITNEY AVENUE NEW HAVEN, CT 06510			HOGE, GARY CHAPMAN	
		ART UNIT		PAPER NUMBER
				3611

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/748,622	MOLOKOTOS ET AL.	
	Examiner	Art Unit	
	Gary C. Hoge	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 March 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 and 16-21 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 21 is/are allowed.
 6) Claim(s) 1-12 and 16-20 is/are rejected.
 7) Claim(s) 13 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1-3, 9-11 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frolov et al. (6,715,225) in view of Brown et al. (6,240,665), Logan (4,466,208) and Kinstler (5,005,306).

Frolov discloses an illuminated exit device comprising a door latch mechanism (col. 2, lines 1-5); a base 12 for attachment to a surface of a door; an elongated push-bar actuator 20 movably mounted relative to the base and connected to operate the latch mechanism when pressure is applied to the actuator; a planar electroluminescent illuminator 30 including electrical wiring 60, 62 extending through the exit device for connection to a source of electrical power, a planar sign 24 including opaque portions for blocking illumination from the electroluminescent

illuminator, the sign being mounted in front of the electroluminescent illuminator. However, Frolov does not disclose a transparent protective cover mounted in front of the sign. Brown teaches that it was known in the art to provide a transparent protective cover over the front of a sign. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the sign disclosed by Frolov with a transparent protective cover, as taught by Brown et al., in order to protect the face of the sign. Further, the electroluminescent illuminator disclosed by Frolov is a planar series of LEDs, rather than flat-panel illuminator producing illumination by electroluminescence of an electrically excited electroluminescent material extending over the surface of the illuminator. Logan teaches that it was known in the art to use a flat-panel electroluminescent illuminator to illuminate an exit sign. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the series of LEDs disclosed by Frolov with a single flat-panel electroluminescent illuminator, as taught by Logan, in order to achieve a simpler assembly and a more uniform illumination. Further, Logan does not mention an inverter. Kinstler teaches that it was known in the art to provide an inverter to an electroluminescent lamp in order to be able to run the lamp from a low voltage source. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the electroluminescent lamp disclosed by Logan with an inverter, as taught by Kinstler, in order to be able to operate the lamp from a low voltage source.

Regarding claims 9 and 10, the sign disclosed by Frolov comprises a plastic insert that is mounted in an aperture in the sign. Brown et al. teaches that it was known in the art to form indicia by providing an opaque film attached to the transparent cover. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the

Art Unit: 3611

sign disclosed by Frolov with an opaque film to form the indicia, as taught by Brown, in order to save expense and simplify construction.

Regarding claim 17, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the inverter disclosed by Kinstler function with a 24-volt input, as an obvious matter of choice in design.

Regarding claim 18, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the inverter anywhere in the apparatus, as an obvious matter of choice in design.

4. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frolov et al. (6,715,225) in view of Brown et al. (6,240,665), Logan (4,466,208) and Kinstler (5,005,306), as applied to claim 1, above, and further in view of Tietze et al. (6,698,118).

Frolov discloses the invention substantially as claimed, as set forth above. However, the sign assembly is built into the actuator. Tietze teaches that it was known in the art to mount an electroluminescent sign to a touchpad 3 and mount that structure directly on the display surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the electroluminescent sign to the actuator disclosed by Frolov, as taught by Tietze, instead of building it into the actuator in order to be able to retrofit the sign onto existing door actuators.

Regarding claims 6 and 7, it is not known what material is used to form the touchpad disclosed by Tietze. Because it is within the level of ordinary skill of a worker in the art to select from among known materials on the basis of their suitability for the fabrication of a given device, and since a person having ordinary skill in the art would know that plastic would be

suitable for the fabrication of a touchpad, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the touchpad disclosed by Tietze from plastic as a matter of choice in design, based on such factors as cost and availability of the materials to the designer.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frolov et al. (6,715,225) in view of Brown et al. (6,240,665), Logan (4,466,208), Kinstler (5,005,306) and Tietze et al. (6,698,118), as applied to claim 6, above, and further in view of D'Onofrio et al. (4,534,743).

Frolov, as modified, discloses the invention substantially as claimed, as set forth above. However, the EL lamp disclosed by Logan is not encased in plastic. D'Onofrio teaches that it was known in the art to make an EL lamp that is encased in transparent plastic. See col. 1, lines 30-38. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the EL lamp disclosed by Logan with a lamp of the type taught by D'Onofrio as an obvious matter of choice in design, based on such factors as cost and availability of parts to the designer.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frolov et al. (6,715,225) in view of Brown et al. (6,240,665), Logan (4,466,208) and Kinstler (5,005,306), as applied to claim 1, above, and further in view of D'Onofrio et al. (4,534,743).

Frolov, as modified, discloses the invention substantially as claimed, as set forth above. However, the EL lamp disclosed by Logan is not encased in plastic. D'Onofrio teaches that it was known in the art to make an EL lamp that is encased in transparent plastic. See col. 1, lines 30-38. It would have been obvious to one having ordinary skill in the art at the time the invention

was made to replace the EL lamp disclosed by Logan with a lamp of the type taught by D'Onofrio as an obvious matter of choice in design, based on such factors as cost and availability of parts to the designer.

Allowable Subject Matter

7. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claim 21 is allowed.

Response to Arguments

9. Applicant's arguments filed March 27, 2006 have been fully considered but they are not persuasive.

Applicant's arguments appear to be directed largely toward the individual references that make up the Examiner's rejection, rather than to the combination set forth by the Examiner. However, regarding the argument that Kinstler is directed towards an application in which the only source of power is low voltage, the Examiner has noted that that in itself would be a motivation to make the combination. The reason is simply that it is well known in the art that emergency exit lighting is often powered by low-voltage batteries in the event of a power failure. It is for that reason that it would have been obvious to one having ordinary skill in the art to make provision for illuminating the illuminated exit device from a low-voltage source.

Applicant argues against Frolov's use of LEDs, but in the combination set forth by the Examiner, those LEDs have been replaced by a flat-panel electroluminescent illuminator, as taught by Logan.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary C Hoge
Primary Examiner
Art Unit 3611

gch